

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Christopher D. Silva,

Case No. 3:16 CV 2767

Plaintiff,

ORDER

-vs-

JUDGE JACK ZOUHARY

Warden Neil Turner,

Defendant.

Petitioner *pro se* Christopher Silva, a state prisoner, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 1). Respondent answered (Doc. 7), and Petitioner replied (Doc. 8). The case was referred to Magistrate Judge Thomas Parker for a Report and Recommendation (R&R) under Local Rule 72.2(b)(2). The R&R (Doc. 9) recommends this Court dismiss Ground One as procedurally defaulted -- or in the alternative, as non-cognizable and without merit -- and deny Ground Two as meritless.

Under 28 U.S.C. § 636(b)(1), a party must serve written objections to the Magistrate Judge's proposed findings and recommendations within fourteen (14) days of being served with the R&R. This Court then makes a *de novo* determination of those portions of the R&R to which objections were made. Failure to file objections within the time frame provided by statute constitutes a waiver of *de novo* review by the district court. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

The deadline for filing objections has passed, and this Court has received no requests for extension. The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, the Petition is dismissed as to Ground One and denied as to Ground Two. This Court further certifies there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

August 9, 2018